

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: SCHWERIN-WENZEL et al.
Serial No.: 10/750,229
Filed: 31 December 2003
Title: ORGANIZATIONAL RESTRUCTURING

Examiner: Chumpitaz, Bob R.
Art Unit: 3629
Conf. No.: 6636

MAIL STOP RCE

Commissioner for Patents
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Reply to Final Office Action Dated 02 March 2010 and Request for Continued Examination

This response and RCE are in reply to the Final Office Action (the "subject action") dated March 02, 2010, issued in regard to U.S. Patent Application No. 10/750,229 (the "subject application"). A petition for a two-month extension of time accompanies this response. Additionally, Applicants conditionally petition for any necessary extensions of time to provide for the possibility that the need for such extension of time has been inadvertently overlooked. Please charge Deposit Account No. 50-2324, referencing Docket No. 103580.00022, for any required fee, or for any deficiency in the enclosed fee.

Applicants appreciate the Examiner's thorough examination of the subject application and requests reexamination and reconsideration of the subject application in view of the following:

- Listing of the Claims, beginning on Page 2; and
- Remarks, beginning on Page 11.

Listing of Claims:

1. (Currently Amended) A method for facilitating monitoring human resources management information, comprising:

providing a single logical physically distributed information system across one or more information systems of at least two enterprises;

providing an individually configurable user interface remotely connected to said single logical physically distributed information system;

populating said individually configurable user interface with monitoring information applied to planning, managing, and assessing human resources in at least one of an integration, a merger, an acquisition and a spin-off of said at least two enterprises, wherein said monitoring information comprises, planning organizational movement of employees, tracking employees through various rankings, job titles, and locations within at least one enterprise of said at least two enterprises, providing a list of jobs within at least one enterprise of said at least two enterprises, tracking performance levels and promotion requests of said employees, and redeploying resources of at least one enterprise of said at least two enterprises;

filtering, via a headcount analysis user interface, one or more organizational units of a first enterprise;

displaying, at the headcount analysis user interface, a headcount of the first enterprise during a specified time period;

displaying, at the headcount analysis user interface, ~~a graph of employee redeployment characteristics related to one or more~~ for a plurality of office locations of the at least two enterprises in a first graph, the first graph of employee redeployment showing a number of open positions, assigned positions, and unassigned positions for each office location;

displaying, at the headcount analysis user interface, ~~a graph of a total~~ employee transition status ~~for a particular~~ for the plurality of office locations in a second graph, the second graph of employee transition status showing a total number of unassigned positions, assigned positions, and open positions ~~for the particular~~ for the plurality of office locations; and

modifying, via a headcount planning module, current headcounts of the first enterprise according to headcount information from a second enterprise.

2. (Previously Presented) The method of claim 1, further comprising:

adapting the individually configurable user interface to a role of a user and a phase of the merger, wherein

the role of the user comprises one or more of an internal expert and an external expert of at least one of the enterprises, and

said internal expert is selected from the group consisting of an executive, an employee, a manager, an investor, and an owner of one of the enterprises, wherein

the external expert is selected from the group consisting of a consultant, an advisor, a supplier, an analyst, and a specialist.

3 – 27. (cancelled).

28. (Previously Presented) The method of claim 2, wherein:

providing a list of jobs within at least one of said enterprises comprises providing a graphical user interface to display the individually configurable user interface;

said graphical user interface permitting the user to view:

job descriptions for filled or open positions,
a list and description of open positions,
a list and description of filled positions,
a planning time, and
a time interval for optimized completion of said management of human resources;
said graphical user interface further allowing the user to add, delete, and edit said open
and filled positions.

29. (Previously Presented) The method of claim 1, further comprising:

displaying, at the headcount analysis user interface, details of at least one of said at least
two enterprises, including previous headcount transitions, predicted headcount transitions, and
employee turnover rates; and

creating, via the headcount planning module, a unit at the first enterprise to accommodate
employees at the second enterprise.

30. (Previously Presented) The method of claim 1, further comprising:

permitting a user to define one or more parameters for tracking absenteeism of an
employee, including creation of a graphical calendar indicating one or more days of absenteeism
and wherein the monitoring information further includes a picture of one or more employees.

31. (Previously Presented) The method of claim 28, wherein:

said single logical physically distributed information system further comprises an
interface for employees to make requests for one or more of a promotion, an internal

reassignment, a personnel transfer, a special payment request, and a change of personnel groupings.

32. (Previously Presented) The method of claim 28, further comprising:

providing an organizational planning interface on said graphical interface; said organizational planning interface facilitating a redeployment of one or more employees by providing a panel and information for an overview of at least one enterprise of said at least two enterprises, a functional overview, a divisional overview, and a status overview of at least one of the enterprises.

33. (Previously Presented) The method of claim 32, wherein:

the organizational planning interface further includes information for one or more organization headcounts pending approval, information for a financial impact, information for employee layoffs, and one or more issues for employee redeployment of at least one of said enterprise merger, said acquisition, said spin-off, and said integration, wherein

the one or more issues for employee redeployment are presented according to a priority level for each issue, a date of creation for each issue, and a name of one or more stakeholders presenting an issue.

34. (Previously Presented) The method of claim 32 further comprising:

presenting a link to an employee redeployment, a link to an organizational personnel structure, a link presenting a headcount planner, a link presenting an employee retention tool, and a link presenting an employee compensation tool on the organizational planning interface.

35. (Previously Presented) The method of claim 34, wherein said graphical user interface is individually configurable by the user to eliminate and add any one of said links, information, and tools.

36. (Previously Presented) The method of claim 34, wherein one of said interfaces presents organizational information, a financial statement, an organizational historical statement, a background statement, investor information, and answers to frequently asked questions.

37. (Currently Amended) A computer program product comprising a machine readable storage medium, storing instructions thereon operable to cause a machine to perform operations comprising:

providing a single logical physically distributed information system across one or more information systems of at least two enterprises;

providing an individually configurable user interface remotely connected to said single logical physically distributed information system;

populating said individually configurable user interface with monitoring information applied to the planning, managing, and assessing human resources in at least one of a corporate merger, an acquisition, a spin-off or an integration of said at least two enterprises, wherein said monitoring information comprises, planning the organizational movement of employees,

tracking employees through various rankings, job titles, and locations within at least one enterprise of said at least two enterprises, providing a list of jobs within at least one of said enterprises of said at least two enterprises, tracking performance levels and promotion requests

of said employees, and redeploying resources of at least one enterprise of said at least two enterprises;

filtering, via a headcount analysis user interface, one or more organizational units of a first enterprise;

displaying, at the headcount analysis user interface, a headcount of the first enterprise during a specified time period;

displaying, at the headcount analysis user interface, ~~a graph of employee redeployment characteristics related to one or more~~ for a plurality of office locations of the at least two enterprises in a first graph, the first graph of employee redeployment showing a number of open positions, assigned positions, and unassigned positions for each office location;

displaying, at the headcount analysis user interface, ~~a graph of a total~~ employee transition status ~~for a particular~~ for the plurality of office locations in a second graph, the second graph of employee transition status showing a total number of unassigned positions, assigned positions, and open positions ~~for the particular~~ for the plurality of office locations; and

modifying, via a headcount planning module, current headcounts of the first enterprise according to headcount information from a second enterprise.

38. (Previously Presented) The computer program product of claim 37 further comprising:

adapting the individually configurable user interface to a role of a user and a phase of the merger, wherein

the role of the user comprises one or more of an internal expert and an external expert of at least one of the enterprises, and

said internal expert is selected from the group consisting of an executive, an employee, a manager, an investor, and an owner of one of the at least two enterprises, wherein

the external expert is selected from the group consisting of a consultant, an advisor, a supplier, an analyst, and a specialist.

39. (Previously Presented) The computer program product of claim 38, wherein:

providing a list of jobs within at least one of the at least two enterprises comprises providing a graphical user interface to display the individually configurable user interface;

said graphical user interface permitting the user to view:

job descriptions for filled or open positions,

a list and description of open positions,

a list and description of filled positions,

a planning time, and

a time interval for optimized completion of said management of human resources;

said graphical user interface further allowing the user to add, delete, and edit said open and filled positions.

40. (Previously Presented) The computer program product of claim 37, further comprising:

displaying, at the headcount analysis user interface details of at least one of said at least two enterprises, including previous headcount transitions, predicted headcount transitions, and employee turnover rates; and

creating, via the headcount planning module, a unit at the first enterprise to accommodate employees at the second enterprise.

41. (Previously Presented) The computer program product of claim 37, further comprising:

permitting a user to define one or more parameters for tracking absenteeism of an employee, including creation of a graphical calendar indicating one or more days of absenteeism and wherein the monitoring information further includes a picture of one or more employees.

42. (Previously Presented) The computer program product of claim 39, wherein:

said single logical physically distributed information system further comprises an interface for employee's to make requests for promotions, internal reassignments, personnel transfers, special payment requests, and a change of personnel groupings.

43. (Previously Presented) The computer program product of claim 39, further comprising:

providing an organizational planning interface on said graphical interface; said organizational planning interface facilitating a redeployment of one or more employees, by providing a panel and information for an overview of at least one of the at least two enterprises, a functional overview, a divisional overview, and a status overview of at least one of the enterprises.

44. (Previously Presented) The computer program product of claim 43, wherein:

the organizational planning interface further includes information for one or more organization headcounts pending approval, information for a financial impact, information for

employee layoffs, and one or more issues for employee redeployment of said enterprise merger, said acquisition, said spin-off, and said integration, wherein

the one or more issues for employee redeployment are presented according to a priority level for each issue, a date of creation for each issue, and a name of one or more stakeholders presenting an issue.

45. (Previously Presented) The computer program product of claim 43 further comprising:

presenting a link to an employee redeployment, a link to an organizational personnel structure, a link presenting a headcount planner, a link presenting an employee retention tool, and a link presenting an employee compensation tool on the organizational planning interface.

46. (Previously Presented) The computer program product of claim 45, wherein said graphical user interface is individually configurable to eliminate and add any of said links, said information, and said tools.

47. (Previously Presented) The computer program product of claim 45, wherein one of said interfaces presents an organizational information, a financial statement, an organizational historical statement, a background statement, an investor information, and answers to frequently asked questions.

Remarks

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the following remarks.

In the subject application, claims 1, 2, and 28-47 are pending, of which claims 1 and 37 are independent claims, and claims 2, 28-36, and 38-47 are dependent. Applicants have amended claims 1 and 37. Applicants respectfully submit that no new matter is believed to have been added as a result of these amendments.

Claim Rejections – 35 U.S.C. § 103

Claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lineberry et al. (U.S. Patent Application Publication No. 2002/0169649, hereinafter "Lineberry") in view of Zhang et al. (U.S. Patent Application Publication No. 2002/0188542, hereinafter "Zhang") in view of Marpe et al. (U.S. Patent Application Publication No. 2002/0184191, hereinafter "Marpe") in view of Sankaran et al. (U.S. Patent Application Publication No. 2002/0184191, hereinafter "Sankaran") and further in view of Levy (U.S. Patent No. 7,233,971). Applicants respectfully traverse this rejection.

First, Applicants respectfully submit that the cited references, whether viewed separately or in combination, do not disclose each and every limitation of Applicants' newly amended independent claim 1. Applicants' newly amended independent claim 1 is provided below for the Examiner's convenience:

1. (Currently Amended) A method for facilitating monitoring human resources management information, comprising:

providing a single logical physically distributed information system across one or more information systems of at least two enterprises;

providing an individually configurable user interface remotely connected to said single logical physically distributed information system;

populating said individually configurable user interface with monitoring information applied to planning, managing, and assessing human resources in at least one of an integration, a merger, an acquisition and a spin-off of said at least two enterprises, wherein said monitoring information comprises, planning organizational movement of employees, tracking employees through various rankings, job titles, and locations within at least one enterprise of said at least two enterprises, providing a list of jobs within at least one enterprise of said at least two enterprises, tracking performance levels and promotion requests of said employees, and redeploying resources of at least one enterprise of said at least two enterprises;

filtering, via a headcount analysis user interface, one or more organizational units of a first enterprise;

displaying, at the headcount analysis user interface, a headcount of the first enterprise during a specified time period;

displaying, at the headcount analysis user interface, redeployment characteristics for a plurality of office locations of the at least two enterprises in a first graph, the first graph showing a number of open positions, assigned positions, and unassigned positions for each office location;

displaying, at the headcount analysis user interface, a total employee transition status for the plurality of office locations in a second graph, the second graph showing a total number of unassigned positions, assigned positions, and open positions for the plurality of office locations; and

modifying, via a headcount planning module, current headcounts of the first enterprise according to headcount information from a second enterprise. (*See Applicant's amended claim 1; emphasis added.*)

As indicated, Applicants' newly amended claim 1 is directed toward facilitating human resource management in a merger or acquisition. More specifically, Applicants' newly amended claim 1 is directed towards headcount analysis and modification for the enterprises associated with the merger or acquisition. Support for Applicants' amendment to claim 1 may be found throughout the subject application, as published, and, for example, in paragraph [0095], and

figures 10 and 11. Paragraph [0095], and figures 10 and 11 are provided below for the Examiner's convenience:

[0095] Divisions, offices, function, and status views 1713 can be presented in the employee redeployment panel as illustrated in FIG. 10. A graph 1715 of the employee redeployment per office location can be presented, as shown in FIG. 11. The graph 1715 can show a number 1714D of positions that are open 1714A, assigned 1714B, or unassigned 1714C for a given office location. Another graph 1716 presents the status of employee transitions or placements. The transition graph 1716 displays the percentage 1717A or number of total positions for a particular status. For example, the number 1717C of unassigned positions 1717B is displayed as "232 unassignments", or as 11.8% of allocated assignments. (See the subject application, as published, paragraph [0095].)

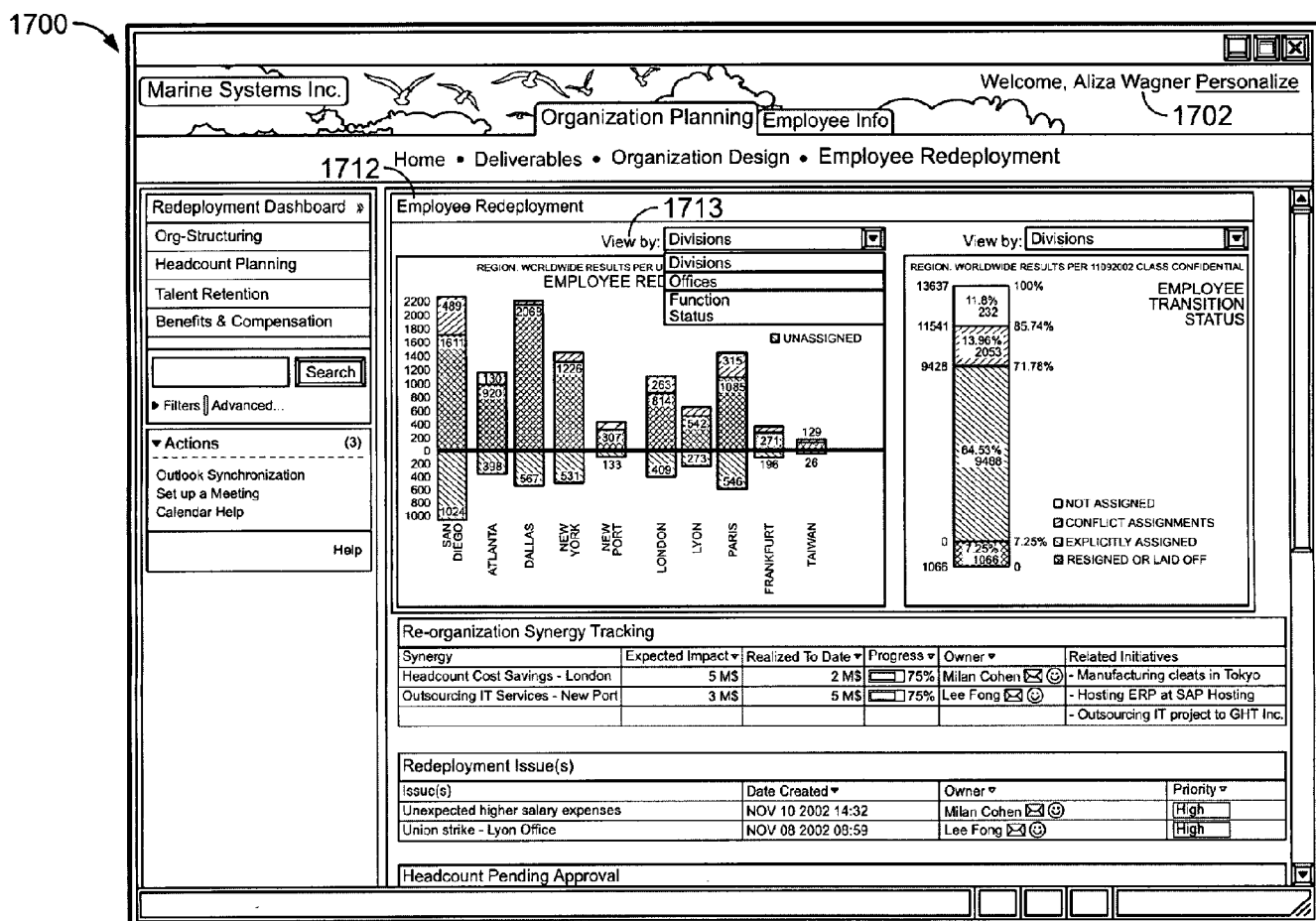


FIG. 10

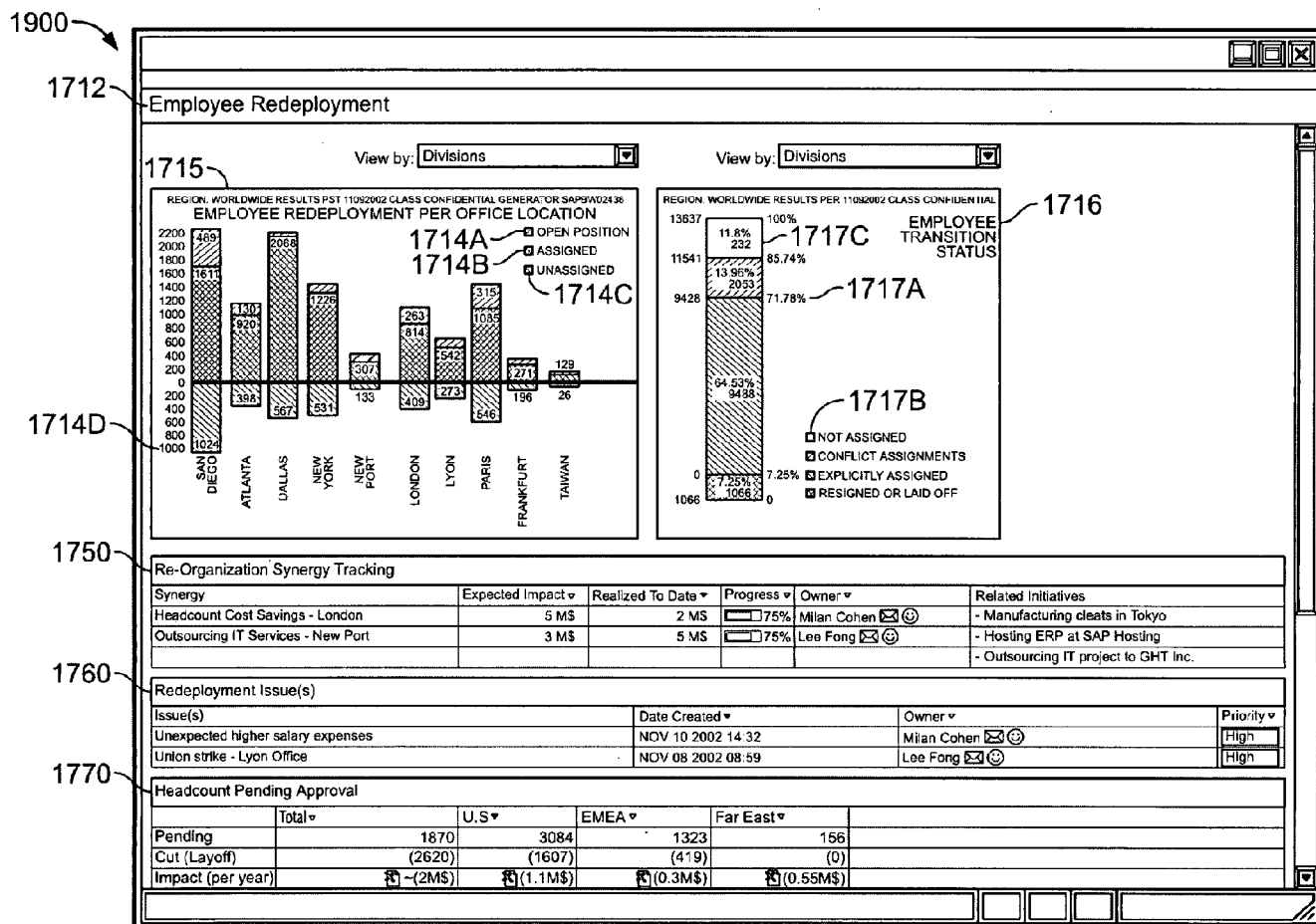


FIG. 11

Applicants respectfully submit that the cited references do not teach or suggest either of the limitations: (i) "displaying, at the headcount analysis user interface, *redeployment characteristics for a plurality of office locations of the at least two enterprises in a first graph*, the first graph showing a number of open positions, assigned positions, and unassigned positions for each office location [,]" or (ii) "displaying, at the headcount analysis user interface, *a total employee transition status for the plurality of office locations in a second graph*, the second graph showing a total number of unassigned positions, assigned positions, and open positions for the plurality of office locations[,]" as recited in Applicants' newly amended claim 1. See

Applicants' amended claim1; emphasis added. Applicants note that in order for the references cited to render newly amended claim 1 unpatentable under 35 U.S.C. 103, the references cited must disclose each and every limitation in their entirety.

Applicants also note that the Examiner appears to believe Lineberry, Marpe, and Zhang do not teach or suggest the "displaying" limitations of Applicants claim 1. Further, the Examiner appears to believe that the combination of Sankaran and Levy does teach or suggest the "displaying" limitations of Applicants claim 1. Applicants respectfully disagree, however Applicants have amended independent claim 1 to clarify the subject matter which Applicants regard as the invention, and more clearly distinguish the claims of the subject application from Sankaran and Levy. Applicants respectfully submit that the cited passages of Sankaran and Levy do not teach or suggest the "displaying" limitations of Applicants' amended independent claim 1.

For example, the Examiner appears to believe that Sankaran teaches or suggests the "displaying" limitations, at least in part, at paragraph [0054] of Sankaran. *See* the subject action, page 8. Applicants respectfully disagree with this characterization. Paragraph [0054] of Sankaran is provided below for the Examiner's convenience:

[0054] The SpendCap application, as will be hereinafter described in greater detail, is easily configured through use of a configuration functionality preferably implemented via a configuration tab. **The areas for setup and configuration include departments, users, spending accounts, models, business drivers, currency management, cycle settings and spreading methodology.** In this area of the application, users that have been setup with admin capability can add and delete departments, users, accounts, headcount categories and types. They can also assign users the responsibility of departments and can facilitate a re-organization by moving departments to report into other departments. Departments are also customized as shown in FIG. 7 to have spending accounts that are relevant, to that part of the organization. Business drivers such as salary related rates and headcount types are determined and setup using the configuration tab. (*See* Digate, as published, paragraph [0054]; emphasis added.)

At best Sankaran discloses that "[t]he areas for setup and configuration include departments, users, spending accounts, models, business drivers, currency management, cycle settings and spreading methodology". See Sankaran, paragraph [0054]. Applicants note that "redeployment characteristics for a plurality of office locations" and "total employee transition status for the plurality of office locations" are not features shown in this portion of paragraph [0054]. Applicants are unable to find reference to either of these features, with respect to the "displaying" limitations above, in Sankaran, Levy, or any of the cited references. Therefore, Applicants respectfully submit that the cited references do not teach or suggest at least the limitations (i) "displaying, at the headcount analysis user interface, *redeployment characteristics for a plurality of office locations of the at least two enterprises in a first graph*, the first graph showing a number of open positions, assigned positions, and unassigned positions for each office location [,]" and (ii) "displaying, at the headcount analysis user interface, *a total employee transition status for the plurality of office locations in a second graph*, the second graph showing a total number of unassigned positions, assigned positions, and open positions for the plurality of office locations [,]" as recited in Applicants' newly amended claim 1.

As such, Applicants respectfully submit that claim 1 of the subject application is in condition for allowance. Further, Applicants have amended claim 37 to include limitations similar to that of claim 1. Therefore, Applicants respectfully submit that claim 37 is in condition for allowance as well. Since the remaining claims depend, either directly or indirectly, from claims 1 or 37, Applicants respectfully submit that those claims are also in condition for allowance. Withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

Having overcome all of the outstanding rejections, Applicants respectfully submit that the subject application is now in condition for allowance. Applicants believe that all of the pending

claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In light of the above remarks, Applicants respectfully assert that the subject application is in condition for allowance. While Applicants respectfully assert that the subject application is now in condition for allowance, the Examiner is invited to telephone Applicant's attorney (617-305-2129) to facilitate prosecution of this application. Please apply any charges or credits to deposit account 50-2324.

Respectfully submitted,

Dated: 22 July 2010

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